

LABOUR DEPARTMENT

The 13th August, 1975

No. 7958-4Lab-75/25160.—In pursuance of the provisions of section 17 of the Industrial Disputes Act, 1947 (Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of the Presiding Officer, Industrial Tribunal, Faridabad, in respect of the dispute between the workmen and the management of M/s Porritts and Spencer (Asia) Limited, 113/114, Sector 24, Faridabad N.I.T.

BEFORE SHRI MOHAN LAL JAIN,
PRESIDING OFFICER, INDUSTRIAL
TRIBUNAL, HARYANA,
FARIDABAD

Reference No. 40 of 1974

Between

SHRI VIRENDRA SINGH, WORKMAN
AND THE MANAGEMENT OF
M/S PORRITTS AND SPENCER
(ASIA) LIMITED, 113/114,
SECTOR-24, FARIDABAD
N.I.T.

Present—

Nemo for the workman.

Shri R. C. Sharma, for the manage-
ment.

AWARD

By order No. ID/FD/73/623/7707, dated 25th March, 1974, of the Governor of Haryana, the following dispute between the management of M/s Porritts and Spencer (India) Limited, 113/114, Sector-24, Faridabad N.I.T., and its workman Shri Virendra Singh was referred for adjudication to this Tribunal in exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947:—

Whether the dismissal of Shri Virendra Singh was justified and in order? If not, to what relief is he entitled?

Notices of the reference having been issued to the parties, the workman filed his statement of claim in accordance with the notice of demands served by him on the respondent while alleging that he had been appointed as a Watchman on 24th February, 1972 on wages of Rs. 156 per mensem and that his services had been illegally terminated with effect from 8th July, 1973 by the management without sufficient cause and an enquiry held by them against him, on the ground that he while on duty was found asleeping on the night between 7th July, 1973 and 8th July, 1973 was illegal. He stated that he in fact had applied for sick leave and was not on duty on the aforesaid night and that the management unjustly suspended him and illegally charge-sheeted him on false ground.

The management,—vide written reply denied allegations made by the workman and stated that the charge-sheet served on the workman and the enquiry held against him on the basis of the charge-sheet was correct and justified in all respects.

The management led some evidence in support of the vires of the enquiry and the case was fixed for 24th July, 1975, for recording their remaining evidence. Shri R. C. Sharma, appearing for the management, filed a written settlement alleged to have been arrived at between the parties and executed by them on 17th July, 1975. The workman did not appear indicating that he had no objections to the settlement relied on by the management and as duly signed by him.

Shri R. C. Sharma made a statement that the workman had received a sum of Rs. 1,400 in full and final settlement of his claim of reinstatement or re-employment. In view of the absence of the workman on 24th July, 1975, the date fixed in the case, I fully rely on the statement of Shri R. C. Sharma, authorised representative of the management and hold that the claim of

the workman stands fully satisfied and that there is now no dispute between the parties requiring adjudication. The reference is thus answered accordingly. Dated 25th July, 1975.

MOHAN LAL JAIN,
Presiding Officer,
Industrial Tribunal, Haryana,
Faridabad.

Endorsement No. 1665, dated the 23rd July, 1975.

Forwarded (four copies) to the Secretary to Government, Haryana, Labour and Employment Departments, Chandigarh, as required under section 15 of the Industrial Disputes Act, 1947.

MOHAN LAL JAIN,
Presiding Officer;
Industrial Tribunal, Haryana,
Faridabad.

No. 9195-4Lab-75/25170.—In pursuance of the provisions of section 17 of the Industrial Disputes Act, 1947 (Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of the Presiding Officer, Labour Court, Rohtak, in respect of the dispute between the workmen and the management of M/s. Two A Asbestos (P.) Ltd., C/o Four-A Asbestos, (P.) Ltd., Bahadurgarh.

BEFORE SHRI MOHAN LAL JAIN,
PRESIDING OFFICER,
LABOUR COURT,
HARYANA, ROHTAK

Reference No. 68 of 1974
between

SHRI MADAN LAL AND THE MANAGEMENT OF M/s. TWO—A—ASBESTOS (P.) LTD., C/O FOUR-A ASBESTOS (P.) LTD., BAHADURGARH

Present :

Shri Rajinder Singh for the workman.

Nemo for the management.

AWARD

By order No. ID/RK/287-C-74/32238—41, dated 13th September, 1974 of the Governor of Haryana, the following dispute between the management of

M/s. Two A Asbestos (P.) Ltd., c/o Four A Asbestos (P.) Ltd., Bahadurgarh and its workman Shri Madan Lal was referred for adjudication to this court, in exercise of the powers conferred by clause (c) of sub-section (i) of Section 10 of the Industrial Disputes Act, 1947.

“Whether the termination of services of Shri Madan Lal was justified and in order ? If not, to what relief is he entitled ?”

Notices of the reference having been sent to the parties, Shri Rajinder Singh, representative, for the workman appeared on 20th December, 1974 and filed the statement of claim on behalf of the workman. None having appeared for the management on this date, despite service of the notice, *ex-parte* proceedings were taken against them.

The workman was directed to adduce his *ex parte* evidence in support of the statement of claim filed by him on 11th February, 1975. Shri Rajinder Singh, appearing for the workman on this date prayed for an adjournment to adduce his *ex-parte* evidence with the result that the case was adjourned to 3rd April, 1975, on his request.

Neither the workman nor any of his witnesses was present even on 3rd April, 1975 and on a request made by his representative for adjournment to produce *ex parte* evidence, the case was again adjourned to 7th May, 1975.

Shri O. P. Sharma, my learned predecessor having cancelled his tour to Bahadurgarh on 7th May, 1975 for some reasons, the case was fixed for today with an intimation to that effect to the workman.

Shri Rajinder Singh, representative, for the workman is present before me today. He has made a statement that the workman could not be available despite best efforts made by him in this connection and that he under the circumstances has to unavoidably withdraw the demand made by the workman on the management and subsequently referred to this court for adjudication by the Governor of Haryana.

It would appear that neither the management nor the workman is interested in pursuing their case, so much so, a statement has been made on behalf of the workman in respect of the withdrawal of the demand.

I as such hold that there is now no dispute between the parties requiring adjudication. I in consequences return a no dispute award with no order as to costs.

Dated 6th August, 1975.

MOHAN LAL JAIN,
Presiding Officer,
Labour Court, Haryana,
Rohtak.

No. 1830, dated 6th August, 1975.

Forwarded (four copies) to the Secretary to Government of Haryana, Labour and Employment Departments, Chandigarh, as required under section 15 of the Industrial Disputes Act, 1947.

MOHAN LAL JAIN,
Presiding Officer,
Labour Court, Haryana,
Rohtak.

No. 7596-4Lab-75/25183.—In pursuance of the provisions of section 17 of the Industrial Disputes Act, 1947 (Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of the Presiding Officer, Labour Court, Rohtak, in respect of the dispute between the workmen and the management of M/s. Sunbeam Corporation (P.) Ltd., Mathura Road, Faridabad.

BEFORE SHRI MOHAN LAL JAIN,
PRESIDING OFFICER,
LABOUR COURT,
HARYANA, ROHTAK.
Reference No. 228 of 1971

between

SHRI BAL KARAN PANDEY AND THE
MANAGEMENT OF M/S. SUNBEAM
CORPORATION (P.) LTD.,
MATHURA ROAD,
FARIDABAD

Present:—

Nemo for the workman.
Nemo for the management.

AWARD

By order No. ID/FD/617-B-71/31756—60, dated 27th October, 1971, of the Governor of Haryana, the following dispute between the management of M/s. Sunbeam Corporation (P.) Ltd., Mathura Road, Faridabad and its workman Shri Bal Karan Pandey was referred for adjudication to this court, in exercise of the powers conferred by clause (c) of sub-section (i) of section 10 of the Industrial Disputes Act, 1947:—

“Whether the termination of services of Shri Bal Karan Pandey was justified and in order? If not, to what relief is he entitled?”

It would appear that the reference was made as far back as on 27th October, 1971. The history of the case as found from the orders made from time to time by the court discloses that the respondent M/s. Sunbeam Corporation (P.) Ltd., Faridabad were not available on the address as supplied by the workman despite repeated attempts having been made for their service and the petitioner worker did not supply their correct address despite being asked to do so 6-7 times.

It seems that the worker is not interested in pursuing his case and the demand made by him on the management of M/s. Sunbeam Corporation (P.) Ltd., Faridabad through the Vice President, General Engineering Mazdoor Union, Faridabad is un-reasonable and unjustified. I, therefore, hold that the worker is not interested in pursuing his demand made by him on the management and the same is un-reasonable and unjustified. The reference is, therefore, answered accordingly.

Dated the 23rd July, 1975.

MOHAN LAL JAIN,
Presiding Officer,
Labour Court, Haryana,
Rohtak.